

**Response of
Wisconsin Power and Light Company
to
The Public Service Commission of Wisconsin
Data Request No. 3.02**

Docket Number: 05-CE-137
 Date of Request: March 11, 2009
 Information Requested By: Ken Detmer
 Date Responded: March 30, 2009
 Author: Eric Guelker
 Author's Title: Mgr Environmental Services
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 Witness: (If other than Author)

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p.18 par. 2: Provide updated discussion on CAIR.

Response:

On July 11, 2008, the United States Court of Appeals for the District of Columbia Circuit found that the Clean Air Interstate Rule (CAIR) was fundamentally flawed, and, as a remedy, ruled to vacate the rule in its entirety. However, the Court subsequently did not issue the mandate for the vacatur. In a more recent action, on December 23, 2008, the Court modified the remedy and remanded CAIR, without vacatur, to the U.S. Environmental Protection Agency (EPA) to modify the rule consistent with the Court's July 11, 2008 decision, thereby preserving CAIR in its entirety. See TABLE 1 for a more complete description and chronology of events related to CAIR. EPA will now work to revise CAIR consistent with Court directives. The timing and scope of CAIR revisions is unknown.

TABLE 1

D.C. Circuit Court of Appeals vacates CAIR	July 11, 2008
Congress pursues CAIR legislative remedy without success	September 2008
EPA, industry and environmental groups petition Court for rehearing	September 24, 2008
Court issues order seeking input regarding CAIR vacatur decision	October 21, 2008
EPA, industry and environmental groups respond to order seeking input	November 5, 2008
Court remands CAIR without vacatur to EPA	December 23, 2008
CAIR NOx emission reduction requirements become effective	January 1, 2009